

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GREGORY VAN DYKE,

Petitioner,

v.

L.C. WARD and A. WEBER,

Respondents.

ORDER

15-cv-811-jdp

Pro se petitioner Gregory Van Dyke is in the custody of the federal Bureau of Prisons (BOP). Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241, contending that BOP officials have wrongfully refused to submit his application for placement at a halfway house. This court has recognized that § 2241 authorizes federal inmates to challenge the BOP's refusal to place them in residential re-entry centers or halfway houses. *See, e.g., Willis v. Holinka*, No. 10-cv-271, 2010 WL 4225879, at *1 (W.D. Wis. Oct. 20, 2010); *Carmichael v. Holinka*, No. 09-cv-388, 2009 WL 2512029, at *2 (W.D. Wis. Aug. 17, 2009). Petitioner is pursuing a similar challenge in this case.

But since petitioner filed this petition, the BOP's inmate locator website indicates that he has been transferred to community supervision. Because petitioner appears to have already obtained the relief that he seeks, this case may be moot. I will direct petitioner to file a short response to this order confirming whether he has in fact been transferred to a halfway house and, if so, indicating what additional relief he is seeking. If petitioner no longer seeks habeas relief, then he should move to voluntarily dismiss this case under Federal Rule of Civil Procedure 41. If petitioner fails to timely respond to this order, then I will dismiss his petition without prejudice and close this case.

ORDER

IT IS ORDERED that petitioner Gregory Van Dyke may have until May 9, 2016, to file a response to this order indicating whether he has been transferred to a halfway house and, if so, what additional relief he seeks in this case. If petitioner fails to timely respond to this order, then I will dismiss his petition without prejudice and close this case.

Entered April 18, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge